

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

RESIDENTIAL CAPITAL, LLC, *et al.*

Debtors.

Case No. 12-12020 (MG)

Jointly Administered

**ORDER DENYING MOTION OF TIA SMITH TO WAIVE FEES AND COSTS FOR
ALTERNATE DISPUTE RESOLUTION**

The recently retained counsel of claimant Tia Smith filed a motion for waiver of fees and costs for alternate dispute resolution. (ECF Doc. # 9336.) The ResCap Borrower Claims Trust (the "Trust") filed a response. (ECF Doc. # 9358.) There is no legal basis for the Court to waive fees and costs for ADR; doing so would shift the entire cost to the Trust, which is inappropriate. The Trust also argues that it explored settlement with Ms. Smith *before she recently retained counsel*. The Court directs the Trust's counsel to confer with Ms. Smith's newly retained counsel regarding settlement of ADR. Counsel shall confer about settlement or ADR on or before 5:00 p.m., December 11, 2015. On or before December 11, 2015, Smith's counsel shall provide the Trust's counsel with a settlement demand based on the issues remaining in this contested matter following the Court's *Memorandum Opinion and Order Sustaining in Part and Overruling in Part Objections to Claims 3889, 4129, 4134 and 4139 Filed by Tia Smith* (ECF Doc. # 7598).

IT IS SO ORDERED.

Dated: November 23, 2015
New York, New York

/s/Martin Glenn
MARTIN GLENN
United States Bankruptcy Judge